

REMARKS***Introduction***

Claims 1-9 are pending and are under examination. The Office Action rejected these claims over certain prior art, asserting primarily that a scale mounted in a cabinet or a drawer can be construed to mean a "food treating apparatus." In order to clarify the scope of the claims, applicants have amended the claims to specify that the food treating apparatus as claimed is selected from the group consisting of a food mixer, a microwave oven, a refrigerator, a coffee maker and a roasting oven. It is respectfully submitted that this amendment is supported by the specification as originally filed. Entry and favorable reconsideration of the claims are respectfully requested.

Claim Rejections Under 35 U.S.C. § 102

The Office Action rejected Claims 1, 2, and 4-6 for being anticipated by Alreck (U.S. Pat. No. 6,371,584). Applicants respectfully traverse.

As discussed above, Claim 1 recites a food treating apparatus equipped with a weighing scale. In contrast, U.S. Pat. No. 6,371,584 only discloses a scale drawer with an under-cabinet mounting. The scale of U.S. Pat. No. 6,371,584, together with the counter or cabinet, is not for food treating purposes in any sense of the term, nor is it integrated into a food treating appliance.

Claim 1 provides a solution to the problem of the provision of a food treating appliance configured with a weighing scale, while the scale drawer of U.S. Pat. No. 6,371,584 is mainly intended for bathroom use. The disclosure of U.S. Pat. No. 6,371,584 makes no suggestion to include a weighing scale in a food treating appliance. The inclusion of a weighing scale in a food treating appliance has the advantage over any prior art food treating appliance in that the weighing scale of the instant invention can be easily stowed away. In addition the weighing scale

within the food treating appliance of claim 1 is easily portable and requires no fixation to the surroundings. Nor is any effort required for installment just as in U.S. Pat. No. 6,371,584.

Solely in order to expedite prosecution and advance the present application to allowance, without acquiescing to the assertions in the Office Action, applicants have amended the claims so that they recite that the claimed food treating apparatus is an appliance selected from the group consisting of a food mixer, a microwave oven, a refrigerator, a coffee maker and a roasting oven, clearly defining the instantly claimed apparatus over that of U.S. Pat. No. 6,371,584, and rendering the claim rejections thereover moot. Withdrawal of the rejections is thus respectfully requested.

The Office Action further rejected Claims 1, 2 and 5 for being anticipated under 35 U.S.C. § 102(b) over Leisinger et al. (U.S. Pat. No. 5,617,648). Applicants respectfully traverse.

U.S. Pat. No. 5,617,648 discloses a dryer mounted in a housing which includes a precision balance arranged in the housing for determining the moisture content of material to be weighed which is placed on a weighing dish. First of all, the dryer of U.S. Pat. No. 5,617,648 employs a precision balance, not a weighing scale. Furthermore, as discussed above, the dryer of U.S. Pat. No. 5,617,648 is not a food treating appliance.

In any event, as is discussed above, the rejection over U.S. Pat. No. 5,617,648 has been rendered moot by the claim amendment as the dryer disclosed therein is not a food mixer, a microwave oven, a refrigerator, a coffee maker or a roasting oven, as recited in the amended claim 1.

Claim Rejections Under 35 U.S.C. § 103

The Office Action further rejected Claim 3 under 35 U.S.C. § 103(a) over Leisinger et al. (U.S. Pat. No. 5,617,648) in combination with the "official notice" that injection molding was known in the art. Applicants respectfully traverse, and request that this rejection be withdrawn. This is because, as discussed in detail above, U.S. Pat. No. 5,617,648 does not disclose all elements of Claim 1, as amended, from which Claim 3 depends, and the "official notice" does not in any way remedy this deficiency. In other words, there is no *prima facie* case of obviousness and the rejection is improper and should be withdrawn.

Conclusion

In view of the above, it is respectfully submitted that all of the claims are free of the prior art and are otherwise in condition for allowance. Applicants respectfully and earnestly solicit an early indication from the Examiner to that effect.

Please any fee to Deposit Account No. 50-4254, under Order No. 2902246-000014 from which the undersigned is authorized to draw.

If there should be any question remaining, the Examiner is requested to telephone the undersigned at 202.654.4633 which is believed to be beneficial to all concerned.

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Respectfully submitted,

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